

FISCAL NOTE

SB 691 - HB 1134

March 1, 2003

SUMMARY OF BILL:

- Gives the state long-term care ombudsman (LTCO) and certified representatives the jurisdiction, powers, and duties conferred by the federal Older Americans Act.
- Requires that the LTCO, or representatives, have access to all long-term care facilities including assisted-living facilities and nursing homes. A facility's refusal of access to the LTCO would be a Type B violation punishable by a fine of not less than \$500 and not more than \$1,000 and any other sanctions as the Commissioner of Health deems necessary.
- Provides that subject to their duty to use or release information only in accordance with the Older Americans Act, the LTCO or certified representatives would have access to:
 - Review the medical and social records of a resident if such representative has the permission of the resident or the resident's legal representative or the resident has no legal representative;
 - The records necessary to investigate a complaint if a legal guardian of the resident refuses to give permission or if the representative has reasonable cause to believe that the guardian is not acting in the best interests of the resident and the representative obtains the approval of the ombudsman;
 - The administrative records, policies and documents of long-term care facilities to which the residents or the general public have access to, and;
 - Copies of all licensing and certification records maintained by the state with respect to long-term care facilities.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Not Significant

Increase State Revenues - Not Significant

The bill gives additional powers to an existing program in the Commission on Aging and Disability, *the Long-term Care Ombudsmen*. The bill confers greater authority but does not require additional duties. The Board for Licensing Health Care facilities is already responsible for regulating long-term care facilities and maintaining records. Any revenue from civil penalties is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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